

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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IN RE: Bair Hugger Forced Air Warming  
Products Liability Litigation

MDL No. 2666 (JNE/FLN)

**DECLARATION OF  
AMY E. LIEVERS**

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This Document Relates to  
ALL ACTIONS

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I, Amy E. Lievers, having personal knowledge of the following facts, do hereby state and affirm the following in support of Defendants' Memorandum in Opposition to Plaintiffs' Motion for *In Camera* Review:

1. I am at least twenty-one (21) years of age and mentally competent to make this declaration.

2. I am currently a Senior Paralegal for 3M Company, a position I have held since 3M acquired Arizant Inc. in 2010, and I report directly to in-house counsel for the Health Care Business Group. Prior to 2010, I was a Paralegal for Arizant, where I reported to John Rock, Director of Legal Affairs.

3. At Arizant, I was directly involved in the legal review of marketing, advertising, and promotional materials. I consulted with Arizant's outside legal counsel regarding a variety of issues related to marketing and advertising, including, without limitation, issues raised by social media, copyright and trademark issues, antitrust, anti-kickback, and international issues. I, along with Mr. Rock, acted as a conduit between legal counsel and affected Arizant employees, to ensure that counsel had all necessary

information to advise the company and that counsel's legal advice was appropriately communicated to those in the company with a need to know.

4. I act in a similar capacity in my current role at 3M, though I report directly to an in-house lawyer. Under standard operating procedures for the Infection Prevention Division of the Health Care Business Group (which encompasses the Bair Hugger patient warming system), promotional and marketing materials (with limited exceptions inapplicable here) require approval from 3M's legal department. Legal review of promotional and advertising materials is an important aspect of 3M's standard procedures, and is intended to ensure that the business units obtain legal guidance regarding applicable legal and regulatory requirements, and are advised regarding potential risks.

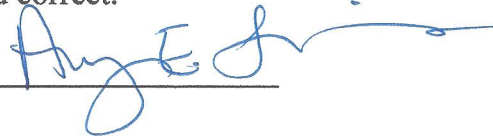
5. As a Senior Paralegal at 3M, I act as an agent for division attorneys in communication with non-attorneys in the health care business divisions and am often called upon by in-house and outside legal counsel to (a) gather information and documents to aid counsel in providing legal advice, and (b) to facilitate communication between counsel and the affected business units to ensure that the appropriate legal advice is communicated and acted upon. I act at the direction of legal counsel and communicate the advice of legal counsel; I am not asked to provide legal advice in my capacity as a paralegal, and I do not share legal advice unless it has been provided by legal counsel and is based on my discussions with counsel regarding the matters at issue.

6. Attached as Exhibit 1 to this Declaration is a true and correct copy of SOP-PKG-05-000004, effective from 12/17/2008 through the present, pertaining to review of marketing and promotional materials.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 10, 2017

/s/ Amy E. Lievers  
Amy E. Lievers

A handwritten signature in blue ink, appearing to read "Amy E. Lievers", is written over a horizontal line. The signature is stylized with a large "A" and a long horizontal stroke at the end.